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FILED
 Clerk
 District Court

APR 28 2008

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

6 IN THE UNITED STATES DISTRICT COURT
 7 FOR THE NORTHERN MARIANA ISLANDS

8 HYE LIN SHIN,)	CIVIL ACTION NO.: 08- <u>0022</u>
9 Plaintiff,)	
10 v.)	COMPLAINT
11 YOU RIM CORPORATION,)	Judge:
12 Defendant.)	Date:
)	Time:

14
 15 COMES NOW the Plaintiff Hye Lin Shin to the above-captioned matter, and hereby
 16 complaint against the Defendant as follows:

17
 18 **I.**
 PARTIES

- 19 1. Plaintiff Hye Lin Shin is a citizen of Korea and resident of the CNMI.
 20
 21 2. Defendant You Rim Corporation is on information and belief a CNMI Corporation.

22
 23 **II.**
 JURISDICTION AND VENUE

- 24
 25 3. This Court has diversity jurisdiction under 28 U.S.C. Section 1332 as this matter
 26 involves citizens of different states and the matter at issue is more than \$75,000.00 The
 27 Court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1337.
 28

1 4. Venue is proper in this Court. Defendant resides in the Commonwealth of the Northern
2 Mariana Islands (“CNMI”) or had transacted her affairs in the CNMI. Additionally the
3 facts giving rise to this lawsuit occurred within this District.
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6 5. The Court has jurisdiction of this matter pursuant to the CNMI Constitution and the
7 Commonwealth Judicial Reorganization Act, as amended.
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10 **III.**
11 **FACTS**

12 6. Defendant wrote a check payable to the order of Hye Lin Shin in the amount of
13 \$190,000.00 dated August 5, 2007 (the “Check”). On August 6, 2007, Ms. Shin
14 deposited the Check. On August 9, 2007, Ms. Shin’s bank returned the Check as
15 unpayable due to insufficient funds.
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18 7. Plaintiff attaches a true and correct copy of the Check and the relevant Notice from Bank
19 of Guam as Exhibit A.
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22 8. On or about March 24, 2008, Plaintiff wrote to Defendant by certified mail at the address
23 listed on the Check demanding it pay the face amount of the dishonored check, together
24 with such charges as may be lawfully imposed by the bank within thirty (30) days (the
25 “Demand Letter”). Defendant refused and instead wrote back, through his agent Mr.
26 Cho, that he was hiring a lawyer.
27

1 9. A true and correct copy of the Demand Letter is attached hereto as Exhibit B.
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4 10. Defendant received the Demand Letter on or about April 2, 2008. *See* Exhibit C.
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7 11. Each of Defendant's actions as described herein was willful and malicious, taken in bad
8 faith for oppressive reasons.
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11 **IV.**
12 **FIRST CAUSE OF ACTION:**
13 **CONVERSION**

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15 12. Paragraphs 1 through 11 are re-alleged and incorporated here by reference.
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18 13. Defendant, by failing to pay Plaintiff the full amount of the Check and by failing to have
19 sufficient funds in its bank account to pay the Check, has wrongfully taken Plaintiff's
20 property and converted it to its own use.
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24 14. Plaintiff has been damaged by this wrongful conversion in an amount to be proven at trial
25 but at least \$190,000.00 plus punitive damages.
26
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28 **V.**
29 **SECOND CAUSE OF ACTION:**
30 **BAD CHECKS**

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32 15. Paragraphs 1 through 11 and 13 through 14 are re-alleged and incorporated here by
33 reference.
34

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2 16. Defendant made and delivered the Check to Plaintiff which was subsequently refused and
3 dishonored due to lack of funds and/or credit to pay.
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6 17. Defendant received the Demand Letter on or about April 2, 2008. A true and correct
7 copy of the certified mail receipt is attached hereto as Exhibit C.
8
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10 18. Defendant has failed to pay the amounts of the Check, together with any lawful charges,
11 within 30 days of the demand.
12
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14 19. Pursuant to the Bad Checks Act of 1984, 7 CMC §§ 2441 *et seq.*, Defendant is liable to
15 the payee Plaintiff for the amount owing upon the Check (\$190,000.00), plus bank
16 charges and other allowable damages, pre-judgment interest at the rate of 12 per cent per
17 annum, plus attorney's fees and treble damages.
18
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20 **WHEREFORE**, Plaintiff prays that the Court grant her the following relief:
21
22

- 23 1. Payment of the full amount of the dishonored check plus all allowable damages under the
24 law including but not limited to prejudgment interest, bank charges, other allowable
25 damages, attorney fees and treble damages.
26
27 2. Incidental, consequential, statutory and liquidated damages in an amount to be proven at
28 trial, including emotional distress damages.
29
30 3. Interest.
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2 4. Punitive damages.

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4 5. Costs and attorneys' fees, including but not limited to fees available under the Bad
5 Checks Act.

6
7 6. Such other and further relief and the Court deems just and proper.

8
9 Respectfully submitted this 24th day of April, 2008.

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11 O'CONNOR BERMAN DOTT & BANES
12 Attorneys for Plaintiff

13
14 By:

15 David G. Banes, Esq.
16 CNMI Bar ID No. (F0171)

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